

REMARKS

The present amendment is respectfully submitted in response to the Office Action of December 28, 2007 on the above-identified application. Entry of the preceding amendment to the claims is respectfully requested, as is a reconsideration of the claims, as amended, by the Examiner.

Turning to the Office Action Summary (Form PTOL-326), the claims 7 through 11, 16 through 18, and 25 through 37 are pending prior to any entry of the above amendment. Of these, claims 31 through 37 were rejected on the basis of the prior art, while, the Applicant notes with appreciation, claims 11, 18 and 25 through 30 were indicated to be allowed. Finally, claims 7 through 10, 16, and 17 were objected to, but were indicated to be allowable if rewritten to overcome the objections made by the Examiner. This, too, has been noted by the Applicant with appreciation.

Turning to page 2 of the action, claims 35 through 37 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Essentially, these claims have been rejected as being directed toward a device having a fiber optic cable and two CCD cameras. The Examiner has taken the position that such a device is not disclosed in the specification. Claims 35 through 37 have been canceled in the preceding amendment without disclaimer or prejudice.

Various claims, specifically claims 7 through 10, 16, 17, and 31 through 37, were objected to under 37 C.F.R. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner will note that clarifying amendments have been made to claims 7, 8, 9, 10, 16, and 17 to address the comments appearing on page 3 of the action. The same may be said for claims 31 through 34, which have been amended with

regard to the Examiner's comments on pages 3 and 4 of the action. Finally, claims 35 through 37 have been canceled above without disclaimer or prejudice.

Referring to page 5 of the action, claims 31 through 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over U.S. Patent No. 6,276,934 to Rakocz in view of U.S. Publication No. US2002/0118279 to Spoonhower et al. The Rakocz reference shows an intraoral viewing device, including a handle and a mirror, fixed to a distal end of the handle, for insertion into the mouth of a patient. An image sensor inside the handle receives a second image of the inside of the mouth along a beam axis passing through a plane defined by the surface of the mirror, and generates an electronic image responsive thereto. The Spoonhower reference shows a portable intraoral capture and display system including: a) a hand piece elongated for insertion into an oral cavity, b) a portable hand-cradled base including a display monitor and a storage device, and c) an optical connection and an electrical connection between the hand piece and the base.

In the Rakocz reference, the CCD camera is located in the handle of the device and requires a complicated optical system.. In the present invention, however, the camera is disposed directly behind the mirror. Claim 31 has been amended above to distinguish the present invention from the Rakocz reference in this regard. Support for this limitation may be found in the specification at page 3, lines 16 and 17. Entry of this amendment is respectfully requested.

It is respectfully submitted that this amendment distinguishes the invention claimed in claim 31 from the combined teachings of the Rakocz and Spoonhower references. Claims 32 and 33, which depend from claim 31 and further limit the subject matter claimed therein, are likewise submitted to be patentable over the combined teachings of these references.

Claim 34 was also rejected as being unpatentable for obviousness over the combined teachings of the Rakocz and Spoonhower references and further in view of the teachings of U.S. Patent No. 5,951,284 to Lake. The Lake reference shows a double-sided mirror and irrigation instrument for intraoral application. The instrument has injection and suction passages. Be that as it may, claim 34 further limits the subject matter claimed in claim 31, which has been amended to distinguish the invention claimed therein from the combined teachings of the references cited against it, and for this reason is respectfully submitted to be patentable.

In view of the above, an early allowance of claims 7 through 11, 16 through 18, and 25 through 34, which will remain in the application following entry of the present amendment, is respectfully requested and earnestly sought.

Respectfully submitted,



John F. Gulbin
Registration No. 33,180

212.297.5800

Day Pitney LLP
7 Times Square
New York, NY 10036-7311